

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

FABIAN MONDRAGON,

Plaintiff,

v.

Civ. No. 18-430 JB/GJF

DETECTIVE ALBERT SENA

et al.,

Defendants.

**ORDER GRANTING LEAVE TO
PROCEED PURSUANT TO 28 U.S.C. § 1915(b),
AND TO MAKE PAYMENTS OR SHOW CAUSE**

This matter is before the Court on the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 filed by Plaintiff, Fabian Mondragon, on May 8, 2018 [ECF No. 2], supplemented by his inmate account statement [ECF No. 9]. Because the Court grants the application, the filing fee for this civil rights complaint is \$350.00. Pursuant to § 1915(b)(1), Plaintiff is required to make installment payments until the full amount of the filing fee is paid. Based on analysis under § 1915(b)(1) of Plaintiff's inmate account statement [ECF No. 9 at 1-3],¹ the Court finds that Plaintiff owes an initial partial payment of \$29.25. If Plaintiff fails to make a payment by the designated deadline or show cause why such payment should be excused, the civil rights complaint may be dismissed without further notice.

IT IS THEREFORE ORDERED that the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 filed by Plaintiff, Fabian Mondragon, on May 8, 2018 [ECF No. 2], is GRANTED;

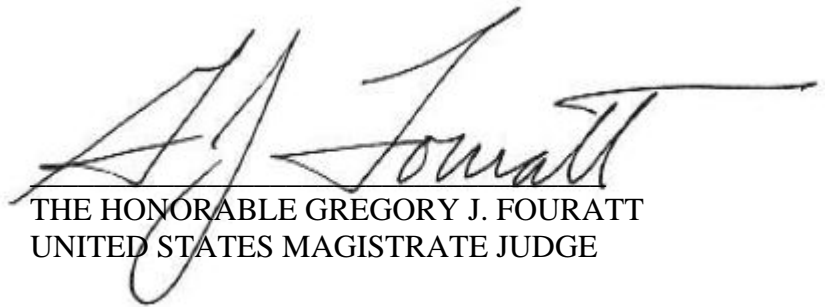
¹ The inmate account statement provided by Plaintiff Mondragon indicates he was incarcerated from January through March 2018, was released from custody, and was again incarcerated in May of 2018. [ECF No. 9]. Therefore, the calculations under § 1915(b) are based on the deposits and balances in the account over the four months of incarceration, rather than six months.

IT IS FURTHER ORDERED that, **within thirty (30) days** of entry of this Order, Plaintiff send to the Clerk an initial partial payment of \$29.25 or show cause why payment should be excused;

IT IS FURTHER ORDERED that the Clerk is directed to provide Plaintiff with two copies of this Order, and that Plaintiff make the necessary arrangements to attach one copy of this Order to the check in the \$29.25 amount of the initial partial payment;

IT IS FINALLY ORDERED that, after payment of the \$29.25 initial partial fee, Plaintiff make monthly payments of twenty per cent (20%) of the preceding month's income credited to his account or show cause why the designated payments should be excused.

IT IS SO ORDERED.



THE HONORABLE GREGORY J. FOURATT
UNITED STATES MAGISTRATE JUDGE